

however, that the product claims are directed to an implantable prosthesis for repairing a tissue or muscle wall defect, while the process claims are directed to a method of repairing a tissue or muscle wall defect using a prosthesis comparable to that defined by some of the product claims. Applicants believe that a search of the product claims would encompass a search of the process claims and, therefore, would not place a serious burden on the Examiner. Thus, Applicants request that the restriction requirement be withdrawn and claims 22-28 also be examined in this application.

The Examiner indicates that there are no generic claims to all species. Applicants respectfully disagree. Applicants believe that at least elected claims 1, 2, 14-21, 47-56 and 58-59, including independent claims 1, 46 and 54, are generic.

Having made these elections, Applicants expressly reserve the right to file one or more divisional applications on the subject matter of the non-elected claims. Upon allowance of a generic claim, Applicants hereby request consideration of claims to one or more of the non-elected species which are written in dependent form or otherwise include all of the limitations of the generic claim.

Favorable action is hereby earnestly solicited. If the Examiner has any concerns with the foregoing election, the Examiner is respectfully requested to contact the undersigned to advance this application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to *Deposit Account No. 23/2825*

Respectfully submitted,
Cherok et al., Applicant(s)

By:


James M. Hanifin, Jr., Reg. No. 39,213
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Tel. No.: (617) 720-3500
Attorney's for Applicant(s)

Docket No.: D00188/70125 (JH)
Date: February 6, 2002
X02/08/02